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Senate

(Legislative day of Monday, May 1, 1995)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Let us pray:

God is able to make all grace abound toward you, that you, always having all sufficiency in all things, may have an abundance for every good work.—II Corinthians 9:8.

Gracious Father, we claim this Biblical promise as we begin this new day. We thank You for Your amazing grace, Your unqualified love, and forgiveness that flows from Your heart into our hearts filling up our diminished reserves. We are energized by the realization that You have chosen to be our God and have chosen us to belong first and foremost to You. So we clarify our priorities and commit ourselves to seek first Your will and put that above all else. It is liberating to know that You will supply all we need, in all sufficiency, to discern and do what glorifies You. Grant us wisdom, Lord, for the decisions of this day.

We ask this not for our own personal success but for our beloved Nation. America deserves the very best from us today. Experience has taught us that You alone can empower us to be the leaders America needs. Fill us with a new passion for patriotism and fresh commitment for the responsibilities of leadership You have entrusted to us.

In the name of Him who helps us live every day to the fullest. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. GORTON. Mr. President, this morning the leader time has been reserved and the Senate will resume consideration of H.R. 956, the product liability bill.

Under the provisions of the agreement reached last night, there will be at least two rollcall votes beginning at 9:45 this morning on or in relation to amendments to the substitute amendment. Further rollcall votes are expected following the 9:45 a.m. stacked votes, and a vote on final passage can be expected at about 11:30 this morning.

Senators should also be aware that the Senate will begin consideration of the solid waste disposal bill at noon.

COMMONSENSE PRODUCT LIABILITY AND LEGAL REFORM ACT

The PRESIDING OFFICER (Mr. CAMPBELL). The Senate will resume consideration of H.R. 956, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Gorton amendment No. 596, in the nature of a substitute.

Coverdell-Dole amendment No. 690 (to amendment No. 596), in the nature of a substitute.

Shelby-Heflin modified amendment No. 693 (to amendment No. 690), to provide that a defendant may be liable for certain damages if the alleged harm to a claimant is death and certain damages are provided for under State law.

Harkin amendment No. 749 (to amendment No. 690), to adjust the limitation on punitive damages that may be awarded against certain defendants.

Mr. GORTON. Mr. President, as I have just announced on behalf of the majority leader, we will have two votes in about 10 minutes. Seeing nobody here at the moment to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 693, AS FURTHER MODIFIED, TO
AMENDMENT NO. 596

Mr. SHELBY. Mr. President, I ask unanimous consent that I be allowed to amend the Shelby-Heflin amendment, which is slated to be voted on in a few minutes, by inserting at the end of the amendment: "This paragraph shall cease to be effective September 1, 1996."

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 693), as further modified, is as follows:

At the appropriate place insert the following:

SEC. . LIABILITY FOR CERTAIN CLAIMS RELATING TO DEATH.

In any civil action in which the alleged harm to the claimant is death and, as of the effective date of this Act, the applicable State law provides, or has been construed to provide for damages only punitive in nature, a defendant may be liable for any such damages without regard to section 107 but only during such time as the State law so provides. This paragraph shall cease to be effective September 1, 1996.

Mr. GORTON. Mr. President, this is now a reasonable amendment. There was a debate on the Shelby-Heflin amendment yesterday to which I had certain objections, but it is clear that the law of Alabama is unique and peculiar.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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